

REMARKS

Claims 1 through 17 and 20 are pending in the application. Claims 2-6 and 13 were previously withdrawn from consideration as drawn to a non-elected invention. Claims 1 and 7-9 have been indicated by the Examiner as being allowable over the prior art of record. Claims 10-17 and 20 have been cancelled by this amendment and claims 18 and 19 have been previously cancelled. An amendment was submitted on May 28, 2004, and pursuant to an Advisory Action dated July 12, 2004 was not entered.

The following issues are outstanding in the office action dated March 24, 2004 and in the Advisory Action dated July 12, 2004:

- The proposed amendment to the specification and to Figure 2 were not entered as raising issues of new matter.
- The drawings have been objected to under 37 CFR 1.83(a) as not showing each feature of the invention specified in the claims.
- Claims 14-17 and 20 have been rejected under 35 U.S.C. Section 102 (b) as being anticipated by Takahashi (U.S. Patent No. 4,632,074).
- Claim 10 has been rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Morgan (U.S. Patent No. 6,202,528).
- Claims 11 & 12 have been rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Morgan in view of Robinson (U.S. Patent No 3,104,575).

Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

I. NEW MATTER OBJECTION

In the July 12, 2004 advisory action, the Examiner refused to consider the proposed amendment to the specification and to Figure 2 on the grounds that they raised issues of new matter. Specifically, the advisory action states that “sufficient support does not appear to be provided in the original disclosure for the specific bracket configuration as now proposed for Figure 2.” Applicant respectfully traverses this objection and requests consideration of the proposed amendment in light of the amendments and remarks herein.

Applicant wishes to thank the Examiner for the telephonic interview conducted on August 17, 2004. During that interview, it was suggested by Applicant’s representative that the specific bracket configuration was of no particular consequence to the invention and that the bracket shown in Figure 2 merely depicted the bracket configuration commonly used in saw mill applications. It was suggested by the Examiner that such a notation in the amendment to the specification would be sufficient to overcome the new matter objection. In response, Applicant has amended the specification as set forth above to clearly indicate that the bracket shown in Figure 2 is of the type commonly used in association with saw mill applications. As such, the objection is now moot and should be withdrawn.

II. OBJECTION TO DRAWINGS

The Examiner has objected to the drawings under 37 CFR 1.83(a) as not showing each feature of the invention specified in the claims. Specifically, the office action stated that “the second end of the shaft received in a mounting bracket . . . must be shown or the feature(s) canceled from the claim(s).”

Applicant submits herewith proposed drawing changes to overcome the objection.

Attached hereto as Exhibits A and B, respectively, are proposed changes to Figure 2 to show the second end of threaded shaft **16** threadably received in a threaded opening **40** disposed in a mounting bracket **42** of the saw mill assembly. Support for this amendment to the drawings is found in the specification on page, lines 8-13, which, as amended to include reference numerals, discloses as follows:

The threaded shaft **16** is threadably received in a threaded opening **40** disposed in a mounting bracket **42** of the saw mill assembly. The position of the guide block **13** relative to the blade **11** can be adjusted by rotation of the shaft **16** in relation to the mounting bracket **42** thereby effecting linear translational movement of the shaft **16** along its longitudinal axis. Rotation of the shaft **16** relative to the mounting bracket **42** can be effectuated by engaging the hexagonal head **19** with an appropriately sized and shaped tightening tool such as a wrench.

As adequate support for the proposed drawing changes is found in the specification, no new matter has been added. Accordingly, applicant respectfully requests that the proposed "Replacement Sheet No. 1" be approved and substituted for original drawing Sheet No. 1.

III. REJECTION UNDER 35 U.S.C. SECTION 102 (b)

Claims 14-17 and 20 have been rejected under 35 U.S.C. Section 102 (b) as being anticipated by Takahashi (U.S. Patent No. 4,632,074). Applicant disagrees with the basis for the rejection of these claims for at least the reasons set forth in his prior responses. However, in an effort to secure a patent on claims 1-9, applicant has elected to cancel claims 14-17 and 20.

Applicant intends to pursue a patent for these claims in a related application to be filed before issuance of a patent on this application.

IV. REJECTION UNDER 35 U.S.C. SECTION 103

Claim 10 has been rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Morgan (U.S. Patent No. 6,202,528). Claims 11 & 12 have been rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Morgan in view of Robinson (U.S. Patent No 3,104,575). Applicant disagrees with the basis for the rejection of these claims for at least the reasons set forth in his prior responses. However, in an effort to secure a patent on claims 1-9, applicant has elected to cancel claims 10-12. Applicant intends to pursue a patent for these claims in a related application to be filed before issuance of a patent on this application.

V. WITHDRAWN CLAIMS

In the Office Action dated February 8, 2002 a restriction requirement between Group I, Claims 1-6, 10 and 13, and Group II, Claims 1, 7-12 and 14-20 was issued. The restriction/election requirement indicated that "Claims 1-9 have been restricted such that the patentability of the invention is presumed to lie in the details of the particular group (e.g. the specific structural configuration of Group I). It is noted that if claim 1 as originally filed is part of an elected group and determined to be patentable, **rejoinder of claims 1-9 will be considered.**" (emphasis added). In response, Applicant elected with traverse Group II: Claims 1, 7-12 and 14-20 for continued prosecution (emphasis in original).

Applicant respectfully requests rejoinder of claims 1-9 as the elected group including

independent claim 1 has been indicated as allowable over the prior art of record. Withdrawn claims 2-6 depend directly or indirectly from claim 1 and are allowable for at least the reasons claim 1 is allowable.

SUMMARY

Applicant submits that claims 1-9 of this application are in condition for allowance and early notice of same is earnestly solicited.

Should the Examiner have any questions, comments or suggestions, he is invited to contact applicant's representative at the telephone number indicated below.

Respectfully submitted,

By: 
C. Richard Martin
Registration No. 37,080

Date: August 18, 2004

MARTIN & MARTIN
125 S. Second St.
P.O. Box 29
Boonville, IN 47601-0029
Telephone: (812) 897-3650
Facsimile: (812) 897-3651